



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE March 17, 2006 LOCAL EFFECTIVE DATE March 31, 2006 APPROX FINAL EFFECTIVE DATE April 21, 2006	CONTACT/PHONE Murry Wilson, Planner (805) 788-2352	APPLICANT Steven Adrianse	FILE NO. DRC2005-00014
<b>SUBJECT</b> Request by Steven Adrianse for a Minor Use Permit / Coastal Development Permit to allow for the placement of two pre-1976 mobile homes (one primary and one secondary dwelling). The project will result in the disturbance of approximately 3,000 square feet of a 5-acre parcel. The proposed project is within the Residential Suburban land use category and is located at 1998 Tapidero Avenue in the community of Los Osos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC2005-00014 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on December 28, 2005 (ED05-262)			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Local Coastal Program	ASSESSOR PARCEL NUMBER 074-222-007	SUPERVISOR DISTRICT(S) 2
<b>PLANNING AREA STANDARDS:</b> Minimum Parcel Size <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Setbacks, Height, Secondary Dwellings, Individual Mobile Homes, and Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

EXISTING USES: Crops, green houses, and accessory structures	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / Residence and crops <i>South:</i> Residential Suburban / Residence <i>East:</i> Residential Suburban / Residence and crops <i>West:</i> Residential Suburban / Vacant	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, Los Osos Community Services District, CDF, RWQCB and the California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses, and row crops
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Septic Fire Protection: CDF	ACCEPTANCE DATE: December 9, 2005

#### PLANNING AREA STANDARDS:

Minimum Parcel Size: The minimum parcel size for properties adjoining the agricultural area north of Tapidiero Road is 5 acres. *The site is currently 5 acres and meets the requirements for minimum parcel sizes.*

#### COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Setbacks: The required setbacks for this project are as follows: Front – 25 feet; Interior Side – 30 feet; and Rear – 30 feet. *The project meets the setback requirements with the following dimensions: Front – 80 feet; Side – 31 feet minimum (west property line); and Rear – 465 feet.*

Height: The maximum height of structures in the Residential Suburban land Use category is 35 feet. *The project meets the setback requirement with a maximum height of 12 feet.*

Secondary Dwellings: A secondary dwelling shall be accessory to the primary dwelling and shall not be established on a site with a guest house or more than one dwelling unit. Secondary dwellings are also required to provide minimum access to the site by means of a road or easement that has a minimum of a chip seal or better. *The site contains two existing residential mobile homes that meet the requirements for primary and secondary dwellings. One residential mobile home is approximately 576 square feet and the other is 500 square feet. Neither structure will exceed the maximum square footage allowed for secondary dwellings on the project site. The access requirement will be met by improving an existing access from Tapidiero Road to the project site and recording of a maintenance agreement between the two property owners.*

Individual Mobile Homes: Individual mobile homes shall provide siding, roofing, and overhangs or a waiver of these requirements must be requested and approved through the Minor Use Permit process. The applicant is requesting a waiver of these standards because the site is screened by vegetation and is not visible from public views. *Staff supports the waiver of these standards because the two proposed mobile homes are screened by dense vegetation and are not visible from public views therefore there is not a need to require the design standards.*

Access: A concern was raised regarding blocking of an access easement at the western property line of the project site. This access road is not a county road therefore the county does

not have concerns regarding the obstruction of this access way with regards to this application. Easement concerns are civil matters which the county does not regulate through the land use permitting process.

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program. COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below.

**Public Works:**

*Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public service capacity is available to serve the proposed project. Adequate public service capacities are available to serve the proposed development. This project is served by an on-site well and will be required to provide well data and septic information during the review of the required building permits to install the structures for the project.*

**Coastal Watersheds:**

*Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Suburban category and on slopes less than 20 percent.*

*Policy 8: Timing of new construction: The proposed project is consistent with this policy, because no grading will occur and none will be left unfinished between October 15 through April 15, the project will be required to have an erosion and sedimentation control plan, and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

*Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows that the construction of the new residence will not increase erosion or runoff.*

**Hazards:**

*Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

*Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.*

**Does the project meet applicable Coastal Plan Policies:** Yes

COMMUNITY ADVISORY GROUP COMMENTS: No comment

**AGENCY REVIEW:**

Public Works – Recommend approval

Los Osos Community Services District – Not within the service area

Coastal Commission – No comment

RWQCB – Compliance with basin plan criteria for on-site disposal should be evaluated prior to approval.

**LEGAL LOT STATUS:**

The lot was legalized by issuance of building permits (for two greenhouses) on the property in 1975 and 1979.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because the project is the placement of two single family dwellings (mobile homes) in a residential zone.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project will be required to improve the existing access to the site with a chip seal or better surface.
- G. Adequate public service capacities are available to serve the proposed development because the applicant will be required to pay impact fees for the proposed residence to the service provider for the area, Cambria Community Services District.

### *Coastal Access*

- H. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Authorized Use**

1. This approval authorizes the placement of two pre-1976 mobile homes (one primary and one secondary dwelling). The project will result in the disturbance of approximately 3,000 square feet of a 5-acre parcel.
2. All permits shall be consistent with the approved Site Plan.

### **Conditions to be completed prior to issuance of a construction or grading permit**

#### ***Grading, Drainage, Sedimentation and Erosion Control***

3. If grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.

#### ***Fire Safety***

5. The applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the CDF.

#### ***Miscellaneous***

6. The applicant shall pay all applicable school and public facilities fees.
7. The applicant shall apply for building permits to legalize the two existing dwellings (mobile homes) within 60 days of approval of this land use permit.
8. The applicant shall submit evidence that the existing septic system is adequate to serve the proposal, and can be installed or is installed on the site.
9. The applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

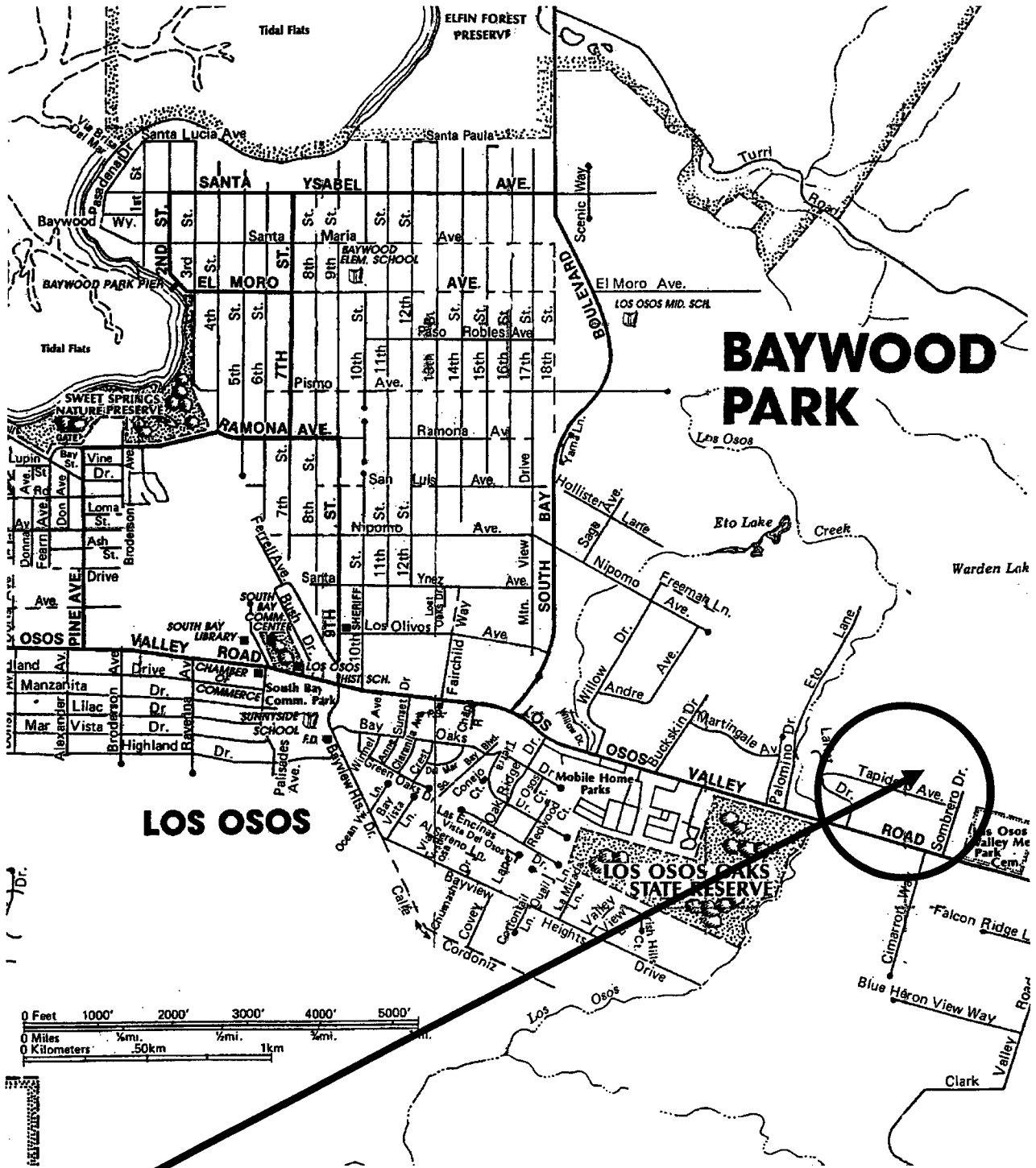
**Conditions to be completed prior to occupancy or final building inspection  
/establishment of the use**

***Fire Safety***

10. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

***Miscellaneous***

11. The applicant shall improved the access road to the project site to a chip seal or better quality and record a maintenance agreement to maintain the road easement to satisfaction of the county council.
12. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
13. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
14. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



**SITE**

**PROJECT**

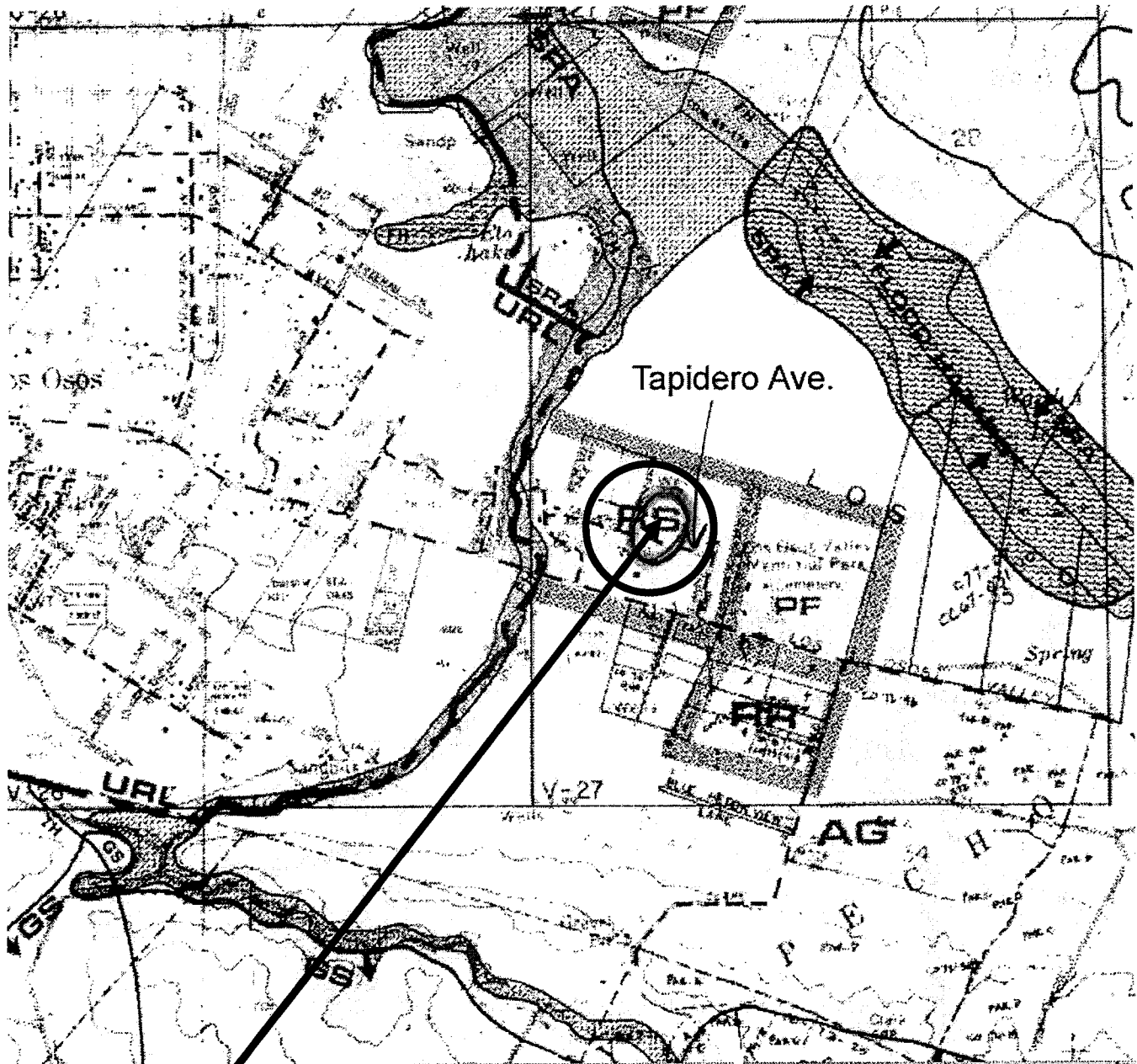
Minor Use Permit  
Adrianse DRC2005-00014



**EXHIBIT**

Vicinity





**SITE**

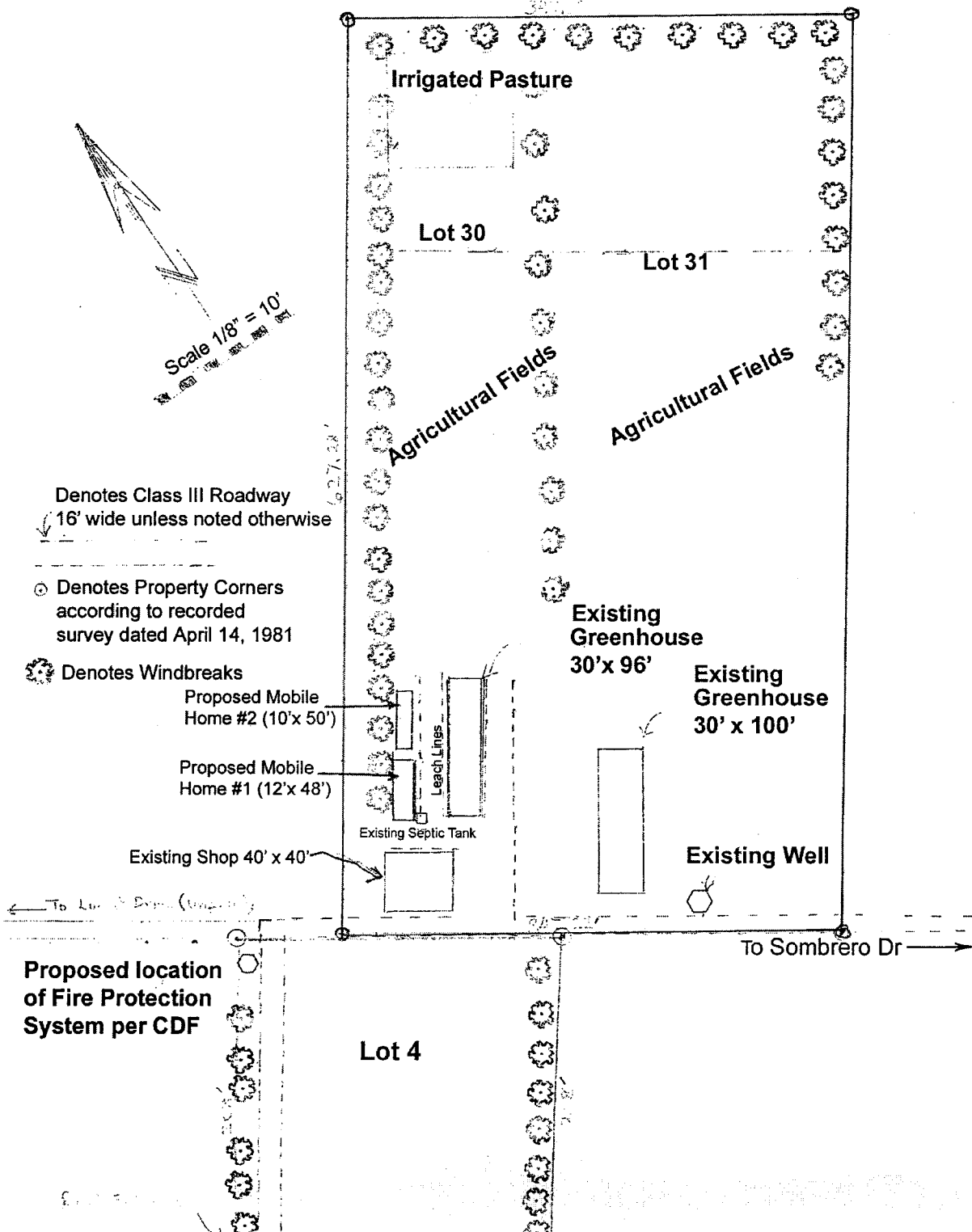
**PROJECT**

Minor Use Permit  
Adrianse DRC2005-00014



**EXHIBIT**

Land Use Category



**PROJECT**

Minor Use Permit  
Adrianse DRC2005-00014



**EXHIBIT**

Site Plan